

Joseph & Norinsberg LLC

Fighting for Employee Justice



Queens Office
69-06 Grand Avenue, 3rd Floor
Maspeth, New York 11378

Manhattan Office
110 East 59th Street, Suite 2300
New York, New York 10022

Newark Office
One Gateway Center, Suite 2600
Newark, New Jersey 07102

Philadelphia Office
1515 Market Street, Suite 1200
Philadelphia, Pennsylvania 19102

Boston Office
225 Franklin Street, 26th Floor
Boston, Massachusetts 02110

Orlando Office
300 N. New York Ave, Suite 832
Winter Park, Florida 32790

Jon L. Norinsberg, Esq.
jon@norinsbergllc.com

December 9, 2024

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: Saunders v. Hush NYC LLC
1:24-cv-5481 (KPF)
Letter Requesting Adjournment Sine Die

Dear Judge Failla,

We represent Plaintiff Michael Saunders in the above-referenced Americans with Disabilities Act (“ADA”) matter, originally filed on July 23, 2024, and served on the perceived Defendants on August 13, 2024 (ECF Dkt. 4). However, on September 27, 2024, we received a document labeled “Verified Answer” from Mr. Cory Kuchta, a non-attorney, who claimed that the website www.hushnyc.com is owned by another party entirely and requested that we dismiss the Complaint.

Upon investigation, we verified that the website in question is indeed owned by Cannabis Emporium Corp., operated by Denis and Levent Ozkurt. Consequently, on August 23, 2024, we filed an Amended Complaint captioned *Michael Saunders v. Cannabis Emporium Corp.* However, a review of the file revealed the absence of a new Civil Cover Sheet, Request for Summons with the correct entity name, or an Affidavit of Service indicating that the new parties were lawfully served.

Due to unforeseen staffing issues, including the departure of our Chief Counsel, Mr. Nathaniel Peckhart, and our senior paralegal in the same week, we have faced significant disruptions. Both failed to leave notes or passwords to their files, necessitating a complete overhaul of our files and databases for the entire division, including this case.

As of December 5, 2024, our files are now updated; and we have been in contact with the actual owners, Denis and Levent Ozkurt, who have requested 30 days to retain and speak with counsel. We do not object to this request and believe it would be in the interest of fairness.

In light of these circumstances, we respectfully request that this Honorable Court issue an Order adjourning the Initial Pretrial Conference and all related filings sine die for 30 days. This extension will allow the Defendant adequate time to retain counsel and address this matter appropriately.

We sincerely apologize for any inconvenience this may cause and appreciate the Court's understanding and consideration.

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & NORINSBERG, LLC

Sincerely,



Jon L. Norinsberg, Esq.
Bennitta L. Joseph, Esq.
Attorneys For Plaintiff
110 East 59th Street, Suite 2300
N.Y., N.Y. 10022
(212) 227-5700
Fax No. (212) 656-1889
jon@norinsberglaw.com
bennitta@employeejustice.com

c.c.

Denis and Levent Ozkurt.
2460 WILLIAMSBRIDGE ROAD,
BRONX, NY, 10469
(718) 734-2900

Application GRANTED. The initial pretrial conference currently scheduled for December 11, 2024, is hereby ADJOURNED to **January 15, 2025, at 2:15 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket entry 15.

Dated: December 10, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE